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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/636,024	04/19/1996	JACK D. PIPPIN	042390.P1674	2339
22850	7590	02/06/2006	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			PHAN, THAI Q	
			ART UNIT	PAPER NUMBER
			2128	

DATE MAILED: 02/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

08/636,024

Applicant(s)

PIPPIN, JACK D.

Examiner

Thai Q. Phan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 38-42, 44-48, 50, 52 and 53 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 38 is/are allowed.
- 6) ☒ Claim(s) 39-42, 44-48, 50, 52 and 53 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 07/2005.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

This Office Action is in response to applicant's amendment filed on 11/07/2005.

Claims 38-42, 44-48, 50, 52, and 53 are pending in the Action.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 41 recites the limitation "the programmable circuitry" in line 11. There is insufficient antecedent basis for this limitation in the claim.

Claim 42 recites the limitation "the bias circuit" in the last line. There is insufficient antecedent basis for this limitation in the claim.

Claim 46 recites the limitation "the clock circuitry". There is insufficient antecedent basis for this limitation in the claim.

Claim 48 recites the limitation "the processor unit". There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 39-40, 42, 44-48, 50, 52, and 53 are rejected under 35 U.S.C. 102(b) as being anticipated by Salesky et al, US patent no. 5,087,870.

As per claims 39-40, Salesky anticipates a circuit and design for maintaining power or heat dissipated within a predetermined range with feature limitations very identical to the claimed invention (Abstract and col. 2, lines 40-54). According to Salesky, the power control circuit includes

means for storing a preprogrammed value ("PROG") (Fig. 2),
a programmable thermal sensor (Fig. 3) is to generate a sensing signal (for interrupt) in response to the circuit load and load conditions (col. 3, lines 51-60, col. 4, lines 18-45, for example) corresponding to the preprogrammed value ("PROG"), and a controller or microcontroller as claimed coupled to a heat dissipated device or a fan or a change in clock speed known in the art (col. 4, lines 35-45, col. 7, lines 45-60, col. 8, lines 35-50).

As per claim 42, Salesky anticipates a circuit and design for maintaining power or heat dissipated within a predetermined range with feature limitations very identical to the claimed invention. According to Salesky, the power control circuit includes

means for storing a preprogrammed value ("PROG"),
a programmable thermal sensor or fail/safe thermal ((20, 22) of Fig. 3) is to generate a sensing signal (for interrupt) in response to the circuit load and load conditions (col. 3, lines 51-60, col. 4, lines 18-45, for example) corresponding to the preprogrammed value ("PROG"), and a controller or microcontroller as claimed coupled

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to a heat dissipated device or a fan or a change in clock speed known in the art (col. 4, lines 35-45, col. 7, lines 45-60, col. 8, lines 35-50).

As per claims 46-48, Salesky anticipates a circuit and design for maintaining power or heat dissipated within a predetermined range with feature limitations very identical to the claimed invention. According to Salesky, the power control circuit includes

means for storing a preprogrammed value ("PROG"),

a programmable thermal sensor or fail/safe thermal ((20, 22) of Fig. 3) is to generate a sensing signal (for interrupt) in response to the circuit load and load conditions (col. 3, lines 51-60, col. 4, lines 18-45, for example) corresponding to the preprogrammed value ("PROG"), and a controller or microcontroller as claimed coupled to a heat dissipated device or a fan or a change in clock speed known in the art (col. 4, lines 35-45, col. 7, lines 45-60, col. 8, lines 35-50).

As per claims 50, 52 and 53, Salesky anticipates a circuit and design method for maintaining power or heat dissipated within a predetermined range with feature limitations very identical to the claimed invention. According to Salesky, the power control circuit and method of design includes steps:

Detecting and generating load power condition within the circuit (or processor) in operation,

means for storing a preprogrammed threshold value ("PROG"),

a programmable thermal sensor or fail/safe thermal ((20, 22) of Fig. 3) is to generate a sensing signal (for interrupt) in response to the circuit load and load

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conditions (col. 3, lines 51-60, col. 4, lines 18-45, for example) corresponding to the preprogrammed threshold value ("PROG"), and a controller or microcontroller as claimed coupled to a heat dissipated device or a fan, a change in clock speed, or halting the device operation, known in the art (col. 4, lines 35-45, col. 7, lines 45-60, col. 8, lines 35-50).

As per claims 44 and 45, Salesky anticipates heat-dissipated devices including a cooling fan, load reduction circuit or slow clock speed known for those skilled in the art.

Allowable Subject Matter

Claim 38 is allowed. Claim 38 shows a programmable thermal sensor in coupled with a processor with feature limitations as to generate an interrupt signal according to a programmable feature in the thermal sensor to vary clock signal, and to generate a fail/safe signal in response to the processor temperature exceeding a threshold temperature according to a preprogrammed threshold value to halt the processor operation.

Response to Arguments

Applicant's arguments with respect to claims 38-42, 44-48, 50, 52, and 53 in the amendment filed on 11/7/2005 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

1. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

2. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1. US patent no. 4,636,092, issued to Hegyi, Dennis, on Jan. 1987
2. US patent no. 4,667,121, issued to Fay et al, on May 1987
3. US patent no. 5,039,878, issued to Armstrong et al, on Aug. 1991
4. US patent no. 5,451,860, issued to Khayat, Joseph, on Sept. 1995
5. US patent no. 6,363,029, issued to Watanabe et al, on March 2002

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3. Any inquiry concerning this communication or earlier communications from the examiner should be directed examiner to Thai Phan whose telephone number is 571-272-3783.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kamini Shah can be reached on 571-272-2279. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jan. 30, 2006



Thai Phan
Patent Examiner